



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

D.ZWANENBURG

PHN 17665

Serial No. 09/678,457

Group Art Unit: 1724

Filed: OCTOBER 3, 2000

Examiner: I.CINTINS

DEVICE FOR REGENERATING AN ION EXCHANGE CARTRIDGE

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
APR 16 2003
TC 1700

SUPPLEMENTAL APPEAL BRIEF

Sir:

Supplemental to the Appeal Brief filed March 18, 2003
and responsive to the Supplement to the Advisory Action
dated March 17, 2003, Applicants would like to make the
following remarks:

REMARKS

On page 2 of the Supplement the Examiner argues, in
regard to Scholer, that since "the regenerating solution in
Scholer flows along a path which includes outlet 50 of
regenerant reservoir 22, pipe 46, spring-loaded valve 49,
pipes 47 and 26, inlet 27 of exchange material chamber 16,
exchange material 17, outlet 29 of chamber 6, and pipe 28
(see Fig. 14)" the restriction (spring-loaded valve 49) is

located in the flow path of the solution situated between the outlet of the reservoir and the outlet of the chamber.

The Examiner also states on page 3 that Claim 9 does not preclude the presence of other structural elements in this flow path. This interpretation of the term "the flow path of the solution situated between the outlet (10) of the reservoir (2) and the outlet (7) of the chamber (3)", employed in Claim 9, is considered to be unduly broad and is not a reasonable interpretation in the absence of the requirement that the flow path be such that the presence of "other structural elements" be such as not to prevent the flow path from being reasonably direct. Clearly, the flow path of the regenerating solution in Scholer from the outlet 50 of the regenerant reservoir 22 to the outlet 29 of the exchange material chamber 16 along a path that is shown in Fig. 14 to include such circuitously placed structural elements as pipe 46, pipe 47, pipe 28, pipe 65, chamber 59, pipe 78, pipe 26, inlet 27 of exchange material chamber 16 and exchange material 17 cannot be considered to be reasonably direct.

It is considered that the flow path of the regenerating solution from the outlet 50 of the reservoir 22 to the outlet 29 of chamber 16 of Scholer is as roundabout as the flight path of an airplane flying from Washington D.C. to New York City by way of Los Angeles, Denver and Chicago.

Additionally, it should be noted that on page 3 the Examiner states the tank 16 of Scholer contains a finite mass of zeolite (an ion exchange material) and therefore is structurally and patentably indistinguishable from the ion exchange cartridge of Claim 9. This statement is considered to be incorrect.

As shown by the definitions given on page of the Heritage Dictionary of the English Language Fourth Edition, Houghton Mifflin, Boston (a copy of which is enclosed) a cartridge, in its broadest sense, is "A small modular unit designed to be inserted into a larger piece of equipment". Clearly therefore, since the tank 16 of Scholer with its zeolite mass content is not a modular unit designed to be inserted into a larger piece of equipment it cannot be considered to be, or even suggest, a cartridge as recited in Claim 9.

Additionally, it should be noted that on page 3 the Examiner states the tank 18 of Scholer contains a finite mass of zeolite (an ion exchange material) and therefore is structurally and patentably indistinguishable from the ion exchange cartridge of Claim 9.

This statement is considered to be incorrect.

Respectfully submitted,

By Norman N. Spain
Norman N. Spain, Reg. 17,846
Attorney
(914) 333-9653

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

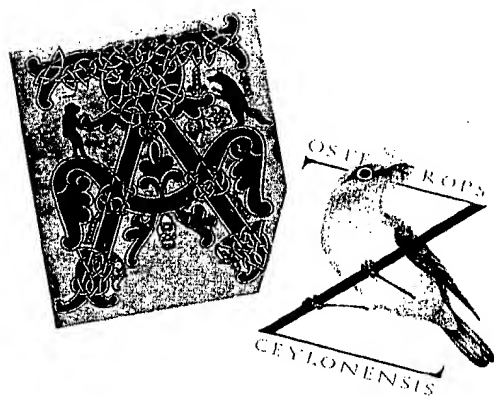
On April 10, 2003

By Elissa DeLucy

The American Heritage[®] Dictionary

of the English Language

FIFTH EDITION



GREENBURGH PUBLIC LIBRARY
300 TARRYTOWN ROAD
ELMSFORD, NY 10523

HOUGHTON MIFFLIN COMPANY
Boston New York

